

STATE OF MICHIGAN
COURT OF APPEALS

NORMAN L. WISNIEWSKI,

Plaintiff-Appellant,

v

KEVIN CROWELL,

Defendant-Appellee.

UNPUBLISHED

July 10, 1998

No. 203262

Wayne Circuit Court

LC No. 95-530654 NO

Before: Murphy, P.J., and Young, Jr. and M. R. Smith*, JJ.

MEMORANDUM.

Plaintiff appeals as of right from the summary dismissal of his premises liability action pursuant to MCR 2.116(C)(10). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff failed to demonstrate the existence of a genuine issue of material fact with regard to the presence of a dangerous condition. *Skinner v Square D Co*, 445 Mich 153, 160; 516 NW2d 475 (1994); *Serinto v Borman Food Stores*, 380 Mich 637, 640; 158 NW2d 485 (1968); *Stefan v White*, 76 Mich App 654, 661; 257 NW2d 206 (1977). Plaintiff's fall, in and of itself, is insufficient to raise an inference of a dangerous condition. *Stefan, supra*; *Winfrey v S S Kresge Co*, 6 Mich App 504, 507; 149 NW2d 470 (1967). Plaintiff's speculation and conjecture as to the instrumentality of his fall is insufficient to create a genuine issue of material fact. *Libralter Plastics, Inc v Chubb Group of Ins Cos*, 199 Mich App 482, 486; 502 NW2d 742 (1993).

Affirmed.

/s/ William B. Murphy

/s/ Robert P. Young, Jr.

/s/ Michael R. Smith

* Circuit judge, sitting on the Court of Appeals by assignment.